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301138Z Sep 04

UNCLAS ABUJA 001676

SIPDIS

STATE PASS TO USTR, EXIM

E.O. 12958: NA

TAGS: [ETRD](#) [ECPS](#) [ECON](#) [SCUL](#) [NI](#)

SUBJECT: (U) ACTING ON INTELLECTUAL PROPERTY RIGHTS
VIOLATIONS IN NIGERIA

REF: Lagos 1933

1. (U) Further to reftel, we recommend that EXIM take account of alleged IPR violations of U.S. copyrights when considering whether to lend or guarantee loans to potential Nigerian importers of U.S. goods and services or their Nigerian banks. The illicit proceeds from software piracy possibly exceed those generated by video films (mentioned in reftel). Microsoft, for example, is suing Globacom, Nigeria's second national carrier, for illegal use of Microsoft's products after being notified by Microsoft to cease and desist from doing so. Microsoft's action was prompted by Globacom's alleged unwillingness to pay about \$180,000 for authorized use of Microsoft products prior to the two companies' falling out (source: Financial Standard, September 27, 2004). Since Globacom may have benefited from EXIM support despite Globacom's alleged infringement of Microsoft rights, we recommend that EXIM take account of possible IPR infringements in the course of EXIM's due diligence reviews.

CAMPBELL